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### **SUBCHAPTER 3. REGISTRATION OF IONIZING RADIATION-PRODUCING MACHINES**

#### **7:28-3.1 Registration for possession of ionizing radiation-producing machines**

(a) Any person, manufacturer, dealer or State, county or local government shall register with the Department every ionizing radiation-producing machine possessed within the State of New Jersey except as exempted by N.J.A.C. 7:28-3.2.

(b) Any person, manufacturer, dealer or State, county or local government shall apply for such registration within 30 days after taking possession, custody or control of ionizing radiation-producing machines on forms available from the Department.

(c) Any person, manufacturer, dealer or State, county or local government shall retain a copy of the registration at the facility for inspection by employees and the Department.

#### **7:28-3.2 Exemptions from registration for possession of ionizing radiation-producing machines**

(a) Ionizing radiation-producing machines not being used in such a manner as to produce radiation, such as equipment in storage or on display, are exempt from registration. Machines that are operated while on display must meet the requirements of *N.J.A.C. 7:28-3.1*.

(b) Electrical equipment that is not primarily intended to produce radiation and that does not produce radiation greater than 0.5 millirem per hour at any readily accessible point five centimeters from its surface is exempt from registration. Production-testing facilities for such equipment shall not be exempt if any individual might receive a radiation dose exceeding the limits established in *N.J.A.C. 7:28-6.2*.

(c) Ionizing radiation-producing machines possessed, stored or used by agencies of the United States Government are exempt from registration.

#### **7:28-3.5 (Reserved.)**

#### **7:28-3.6 Transfer of registration for ionizing radiation-producing machines**

Registrations for ionizing radiation-producing machines are not transferable.

#### **7:28-3.8 (Reserved.)**

#### **7:28-3.9 Sale, installation, relocation or disposal of ionizing radiation-producing machines**

(a) Whenever a manufacturer or dealer sells, installs, relocates or disposes of an ionizing radiation-producing machine, said manufacturer, agent or dealer shall give written notification thereof to the Department within 30 days of such sale, installation,

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relocation or disposal. Said notification shall include the manufacturer, model and serial number of each component, name and address of the new owner(s), address of the relocated machine or details of the final disposition of the machine. Notification shall be submitted on a form available from the Department. The Department may accept the current form used by the United States Food and Drug Administration for Report of Assembly of a Diagnostic X-ray System if the Department determines that the information is complete and accurate.

(b) Whenever an owner sells, relocates or disposes of an ionizing radiation-producing machine, said owner shall:

1. Give written notification to the Department on forms available from the Department within 30 days of such sale, relocation or disposal;
2. Include the New Jersey registration number, manufacturer, model and serial number of each component;
3. Include the name and address of the new owner(s); and
4. Include the address of the relocated machine, or details of the final disposition of the machine; and
5. Be responsible for all fees until the written notification is received by the Department.

#### 7:28-3.10 Denial of an application for registration, and suspension, modification, or revocation of registration of ionizing radiation-producing machines

(a) The Department, in addition to any penalties authorized by the Act, may deny an application for registration or suspend, modify or revoke a registration of ionizing radiation-producing machines by reason of amendments to the Act, adoption of rules, orders issued by the Department pursuant to said Act or if the applicant, or registrant:

1. Fails to comply with any provisions of the Act or any rules promulgated pursuant thereto including the timely payment of registration fees;
2. Falsifies or makes misleading statements in the application for registration;
3. Falsifies or makes misleading statements in any documents which were utilized to obtain a registration;
4. Alters registration documents;
5. Falsifies required records;
6. Aids, abets, combines with, or conspires with any person for any purpose which will evade or be in violation of the provisions of the Act or any rules promulgated pursuant thereto; or

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7. Allows a registration to be used by any person for any purpose which will evade or be in violation of the provisions of the Act or any rules promulgated pursuant thereto.

(b) Except as provided in *N.J.S.A. 26:2D-12* in cases of emergency, no registration shall be denied, modified, suspended or revoked prior to a hearing conducted by the Office of Administrative Law pursuant to *N.J.S.A. 52:14B-1* et seq., the Administrative Procedure Act, and N.J.A.C. 1:1-1 et seq., the Uniform Administrative Practice Rules, on the basis of a Notice of Intent filed by the Department stating the grounds for denial, suspension, modification or revocation of a registration.

(c) The Department may terminate a registration upon request submitted by the registrant to the Department in writing.

7:28-3.11 (Reserved.)